

Hon. Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

TIMOTHY S. VERNOR, an individual,

Plaintiff,

v.

AUTODESK, INC., a Delaware
corporation,

Defendant.

No. 2:07-cv-01189-RAJ

**STIPULATED MOTION AND
[PROPOSED] ORDER TO CORRECT
RECORD**

Note on Motion Calendar:
October 6, 2009

STIPULATION

Plaintiff Timothy S. Vernor (“Vernor”) and Defendant Autodesk, Inc. (“Autodesk”), by and through their attorneys of record, stipulate and agree that the record in this matter should be corrected as follows.

At oral argument held before this Court on September 29, 2009, the Court directed questions to counsel for Autodesk regarding certain exhibits to the Declaration of George C. Harris in Support of Autodesk’s Motion for Summary Judgment (Dkt. # 51), which was filed on February 20, 2009 (“Harris Decl.”). Attached thereto was a copy of the Consent Judgment in *Autodesk, Inc. v. Cardwell Architects, Inc.*, No. 4:09-cv-00397 (N.D. Cal. Feb. 6, 2009). Harris Decl. ¶ 4 (p. 2) and Ex. B (pp. 18–71). The Consent Judgment included a copy of the Stipulated Motion for Entry of Consent Judgment and Proposed Consent

1 Judgment with exhibits. Harris Decl. Ex. B (pp. 33-71). One of those exhibits, Exhibit 6,
2 was identified as a copy of the Software License Agreement (“SLA”) for AutoCAD® 2000
3 software. Harris Decl. Ex. B (pp. 42 and 70-71). The document attached, however, was not
4 the AutoCAD® 2000 SLA.

5 The Court’s September 30, 2009 Summary Judgment Order (Dkt. # 71) noted the
6 absence of that document as follows:

7 Autodesk purported to submit a copy of the AutoCAD 2000 license in its
8 2009 consent judgment (Harris Decl., Ex. B at ¶ 8 (citing Ex. 6)), but the
9 submitted exhibit is merely the first page of the “click-through” license for
10 AutoCAD 14. The court assumes that CTA agreed to destroy the
AutoCAD 14 software in 2002 only because the assumption ultimately
does not prejudice Mr. Vernor.

11 Summary Judgment Order at 8.

12 In order to correct the record, the parties stipulate and agree that the Supplemental
13 Declaration of Evelyn LaHaie, which includes the AutoCAD® 2000 SLA, should be made a
14 part of the Court’s record. *See* Fed. R. App. P. 10(e)(2).

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1 Dated: October 6, 2009

2 Respectfully submitted,

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23 *Attorneys for Defendant Autodesk*

ORDER

IT IS SO ORDERED. The Supplemental Declaration of Evelyn LaHaie attached to the preceding stipulation is accepted to the record in this matter.

Dated: _____, 2009.

HONORABLE RICHARD A. JONES
UNITED STATES DISTRICT JUDGE

Presented by:
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NO. 2:07-cv-01189-RAJ – Page 4


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